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EXAMINER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte EDOUARD FRANCOIS, DOMINIQUE THOREAU,
JEROME VIERON, and AURELIE MARTIN

Appeal 2016-008473
Application 12/998,921
Technology Center 2400

Before JASON V. MORGAN, NABEEL U. KHAN, and
KAMRAN JIVANI, *Administrative Patent Judges*.

JIVANI, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants¹ seek our review, under 35 U.S.C. § 134(a), of the Examiner's Final Rejection of claims 1–11 and 16–29. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ According to Appellants, the real party in interest is Thomson Licensing. Br. 4.

STATEMENT OF THE CASE

“The invention relates to a method for estimation and coding of global motion parameters of a sequence of video pictures as well as a method and device for coding video pictures based on global motion compensation.”

Spec. 1, ll. 5–7.

Independent claim 1 is reproduced below.

1. A method for video coding at least one digital picture sequence, the pictures of said sequence being able to be intermediary pictures or key pictures used as references for the coding by motion compensation of intermediary pictures, the method comprising:

coding intermediary pictures per area based on a global motion compensation (GMC) in the forward and backward directions from key pictures,

constructing the areas of the intermediary picture either by merging of areas of global motion compensated key pictures, or by conventional coding, and

selecting between merging and conventional coding being based on the result of a measurement of coherence between the signals of areas of global motion compensated key pictures.

The Rejections

Claims 1–6, 16–21, and 27–29 are rejected under pre-AIA 35 U.S.C. § 102(b) as anticipated by Yamada (US 2004/0161038 A1; Aug. 19, 2004). Final Act. 3–5 (June 9, 2015).

Claims 7–10 and 22–25 are rejected under pre-AIA 35 U.S.C. § 103(a) as obvious over Yamada and Suzuki (US 2003/0202595 A1; Oct. 30, 2003). Final Act. 5–8.

Claims 2 and 5 are rejected under pre-AIA 35 U.S.C. § 103(a) as obvious over Yamada and Jozawa (US 6,785,331 B1; Aug. 31, 2004). Final Act. 9–10.

Claims 11 and 26 are rejected under pre-AIA 35 U.S.C. § 103(a) as obvious over Yamada, Suzuki, and Kresch (US 6,611,560 B1; Aug. 26, 2003). Final Act. 11–12.

ANALYSIS

We have considered Appellants’ arguments in the Appeal Brief and the Reply Brief, as well as the Examiner’s Answer thereto. We are not persuaded by Appellants’ arguments. We agree with and adopt, as our own, the Examiner’s findings and reasons in the Final Action and the Answer. We emphasize the following.

ANTICIPATION OF CLAIMS 1–6, 16–21, and 27–29

First Argument

Appellants present three arguments. Appellants first argue the Examiner has not shown Yamada discloses merging of global motion compensated (GMC) key picture areas into an intermediate picture’s singular area. *See* App. Br. 17; Reply Br. 5, 7.

The argument is not responsive to the Examiner’s interpretation of claim 1’s coding and constructing steps. Appellants advance a construction of these steps requiring formation of “intermediary pictures per area” (claim 1) by motion-compensating the same area of a previous picture and a succeeding picture, and then merging the results to yield the same area of an intermediary picture. *Id.* The Examiner’s construction more broadly also encompasses Yamada’s forming of an intermediary picture by motion

compensating two contiguous areas of key pictures, namely a region of an F-frame (previous) and contiguous region of a B-frame (succeeding), and then merging the results to yield identical contiguous areas (identical respective areas) of an intermediary picture. *See* Ans. 2–3 (citing Yamada ¶¶ 39–55), 11–12 (citing Yamada ¶¶ 47–51, 66–67); Final Act. 2 (citing Yamada ¶ 59).

Appellants acknowledge the above difference in constructions, but present no rebuttal evidence or reasoning to show the Examiner’s construction is unreasonably broad. For example, Appellants have not shown their construction is required by claim 1’s plain language. *Compare* Yamada ¶ 59 (using similar terminology to disclose “contiguous regions are merged when . . .” (emphasis added)). Nor have Appellants shown their construction is required by claim 1’s language in view of a Specification disclaimer or definition. At best, Appellants cite to exemplary Specification disclosures of the claimed coding and merging. App. Br. 6, 16 (citing Spec. 15, ll. 36–16, ll. 11); *see also* App. Br. 12–14 (addressing the disclosed invention). We do not read into the claim language such exemplary descriptions. *See In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994); *In re Van Geuns*, 988 F.2d 1181, 1184–85 (Fed. Cir. 1993).

Because Appellants do not establish that their construction is required or the Examiner’s construction is overly broad, we are not persuaded by this argument.

Second Argument

Appellants further assert Yamada fails to meet claim 1’s selecting step because Yamada’s cited merging is performed before the motion

compensation and thus cannot disclose a selected merging of motion-compensated key picture areas. *See* App. Br. 17–19; Reply Br. 7.

This argument is not persuasive because Yamada expressly states:

As mentioned above, either the texture of the previous key frame F or the texture of the succeeding key frame B, *upon which temporal interpolation of global motion has been performed*, is used to compensate for unintentional non-prediction due to patch motion compensation according to the following criteria (1) to (4)[.]

Yamada ¶ 67 (emphasis added); *see also id.* ¶¶ 47–51. Thus, we are not persuaded by this argument.

Third Argument

In response to the Answer’s discussion of Yamada’s paragraphs 47–51, Appellants also argue via the Reply Brief:

[T]he Examiner contends that the criteria for construction and selecting are disclosed in paragraphs [0048]–[0051] of Yamada. However, the cited portions of Yamada merely disclose which of the B frames or F frames are used for motion compensation. In fact, Yamada teaches that selecting depends on the location of the portion of the image to be motion compensated. However, the cited portions only disclose that either a forward prediction (e.g., using frame F) or backward prediction (e.g., using frame B) is used, not both.

Reply Br. 6 (emphasis omitted). This argument is not responsive to the rejection because the Examiner reads the claimed selecting step on Yamada’s merging of two contiguous regions if the “absolute value of the difference of average deviations of the two regions” is less than a threshold value (Yamada ¶ 59). *See* Final Act. 2 (“Yamada teaches . . . the regions (i.e., areas) of the middle picture (i.e., intermediary) are merged when a condition is met that indicates coherence (paragraph(s) [0059]).”).

Conclusion

For the foregoing reasons, we sustain the anticipation rejection of claims 1–6, 16–21, and 27–29 over Yamada.

OBVIOUSNESS OVER YAMADA

Claims 2, 5, 7–11, and 22–26 are rejected as obvious over Yamada and other references. Appellants advance no further arguments on these claims beyond those discussed above in the context of anticipation. Accordingly, we sustain the Examiner’s rejections of claims 7–10 and 22–25 over Yamada and Suzuki, claims 2 and 5 over Yamada and Jozawa, and claims 11 and 26 over Yamada, Suzuki, and Kresch.

DECISION

We affirm the Examiner’s rejection of claims 1–11 and 16–29.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED